

Prime Choice Entertainment
1845 S. El Molino, San Marino CA 91108

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

July 24, 2006

2006 AUG 23 P 2:29
AOR 2006-27

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

2006 JUL 31 A 10:05

FEDERAL
ELECTION
COMMISSION
OFFICE OF
GENERAL
COUNSEL

Dear Commission Members:

My name is Cynthia Czuchaj and my company Prime Choice Entertainment (presently a 'for-profit' DBA), will be launching a website called www.yourtimecounts.org within the next 60 days.

www.yourtimecounts.org is a Video Commercial Distribution Site that raises money for non-profit charities by providing their supporters an opportunity to earn a 25 cent viewing fee and then allowing them to assign that fee to a charity of their choice.

Simply put, a viewer will log on to our website and will be given the opportunity to choose from four non-profit organizations. After their nonprofit selection is made, they will choose one of four video commercials to view. The non-profit they choose will be the 'beneficiary' of a 25 cent fee that is paid to them by the sponsor of the commercial they chose to view; and for answering a question regarding that commercial. Virgin Mobile is currently using this mode of promotion for their customers to gain a 25cent 'free cell phone minute' for watching a Pepsi commercial or an X Box Commercial. In our case the 25cent fee will be assigned to Prime Choice Entertainment who will disperse the funds to the charities according to the accounting of our independent Web Host (www.godaddy.com). Ninety percent of the proceeds will go to the nonprofit of choice, and 10 percent will go to Prime Choice Entertainment.

We would like to offer this 'beneficiary' opportunity to the Democrat and Republican Parties. However, I would need a ruling from you as to the legality of this situation. I know that as an individual I can donate up to \$27,600 to either of these parties, however this website could generate much more revenue than that. In addition, this would not be my contribution, but a fee assigned to me by our viewers for distribution. Prime Choice Entertainment is simply the Commercial Distribution Network that will complete their transaction.

Prime Choice Entertainment

Question for Ruling:

Is this form of donation legal in light of the new laws for campaign contributions (527)? If not, is there a remedy? I have a contracts with my sponsors that guarantees 90% of the viewer-ship proceeds will be donated to those charities.

Note: The viewer could actually view up to four commercials and have each assigned fee designated to their nonprofit for a total of \$1.00. If you have any other questions please do not hesitate to contact me at primechoiceent@sbcglobal.net or at 626.403.1944. Thank you for your expedient attention to this matter.

Sincerely,

Cynthia L. Czuchaj
1845 S. El Molino
San Marino, CA 91108



FEDERAL ELECTION COMMISSION

Washington, DC 20463

August 10, 2006

Cynthia Czuohaj
Prime Choice Entertainment
1845 S. El Molino
San Marino, CA 91108

Dear Ms. Czuohaj:

This refers to your letter received on July 31, 2006 on behalf of Prime Choice Entertainment ("Prime Choice"), and your telephone conversation with Commission staff on August 9, 2006, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to certain proposed activity.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. § 437f(a). Commission regulations explain that a request must set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. 11 CFR 112.1(b). Commission regulations also require that advisory opinion requests must include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made. 11 CFR 112.1(c). The regulations further explain that the Office of General Counsel ("OGC") shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d).

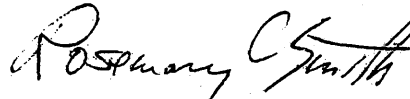
In view of the above requirements, we request that you confirm in writing our understanding of your proposed operations and provide certain additional information:

- 1) We understand that you propose to operate as follows: An individual will access your website. The individual will choose a sponsor whose commercial the individual will view and a political committee or another non-profit organization to receive a contribution. The individual will not be permitted to receive any payment under any circumstances. After the individual views the commercial and answers a question, the sponsor will forward a 25-cent payment to Prime Choice. Prime Choice will keep ten percent of the payment as its share, and forward the remaining 90 percent to the designated political committee or other designated recipient. Please confirm that you propose to operate in this fashion.
- 2) Confirm that the sponsors of the commercials will be for-profit corporations and state whether any of your sponsors have agreed to participate in the political fundraising aspect of your program.

- 3) Identify the specific political committees for which you intend to seek contributions. State whether you have entered into any agreement with any of these political committees to participate in your program. State whether you will provide the political committees with contributor information, including name, mailing address, occupation and employer. State whether the political committees will reimburse Prime Choice for its costs in forwarding the contributions.
- 4) We understand Prime Choice is seeking incorporation. Will Prime Choice be incorporated prior to the operation of your website?

Upon receiving your responses to the above questions, we will give further consideration to your inquiry as an advisory opinion request. If you have any questions about the advisory opinion process or this letter, please contact Tony Buckley, an attorney in OGC, at 202-694-1650.

Sincerely,



Rosemary C. Smith
Associate General Counsel

Prime Choice Entertainment
1845 S. El Molino, San Marino CA 91108

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

2006 AUG 22 A 11:11

August 21, 2006

Mr. Tony Buckley
Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Buckley,

This letter is in response to a written request sent to me via Rosemary C. Smith on your behalf, August 10, 2006. Her letter requested written confirmation of several "statements of understanding" regarding my company, Prime Choice Entertainment; and a commercial website that we are launching.

Question number one refers to the way we are to conduct business on our website www.yourtimecounts.org. Yes, your interpretation of our mode of business operation is correct. This is the manner in which we proposed to conduct business.

Question number two: Yes, advertisers will be for-profit companies. I have not yet told any of my potential advertisers of having a 'viewer's assignment fee' option that would benefit a political party, as that would be misleading. Only when I have the Federal Elections Commission's permission will I include that demographic in our marketing plans. As of now, we are concentrating on high schools and college alumni associations as our central demographic.

Question number three: I intend to "offer" a viewer's assignment fee option, for the Democratic and Republican Parties. I have not approached either of these parties, as I feel it would be premature without your permission. If permission is granted the parties will receive 90% of a 25 cent viewing fee. No further information will be provided to them. Prime Choice Entertainment will not be reimbursed for its costs of forwarding the assigned viewer's fee to any of our nonprofits.

Question number four: Yes, barring any unforeseen circumstances, Prime Choice Entertainment will be incorporated prior to the operation of the website.

Thank you for your attention in this matter.

Sincerely,
Cynthia Czuchaj

